



March 28, 2003

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# ENGROSSED

## HOUSE BILL No. 1734

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DIGEST OF HB 1734 (Updated March 27, 2003 9:35 AM - DI 71)

**Citations Affected:** IC 20-6.1.

**Synopsis:** Nonpermanent teacher contracts. Allows flexibility in the time when a school corporation must hold a conference on the nonrenewal of the contract of a nonpermanent teacher so that both the open door law and the nonpermanent teacher's contract rights law are not violated.

**Effective:** July 1, 2003.

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**Ayres, Lawson L, Thomas, Porter**

(SENATE SPONSORS — SERVER, ROGERS, SIPES)

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January 21, 2003, read first time and referred to Committee on Education.  
February 17, 2003, amended, reported — Do Pass.  
February 20, 2003, read second time, ordered engrossed.  
February 27, 2003, engrossed. Read third time, passed. Yeas 91, nays 0.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Education and Career Development.  
March 27, 2003, amended, reported favorably — Do Pass.

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EH 1734—LS 6980/DI 109+



March 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1734

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-6.1-4-14 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Each contract  
3 entered into by a nonpermanent teacher and a school corporation  
4 continues in force on the same terms and for the same wages, unless  
5 increased by IC 20-6.1-5-1, for the next school term following the date  
6 of termination set in the contract. However, the contract does not  
7 continue if any of the following occur:
- 8       (†) ~~On or before May 1, the school corporation notifies the~~  
9       ~~teacher that the contract will not continue for the next school~~  
10       ~~term. This notification must be:~~
- 11           (A) ~~written; and~~  
12           (B) ~~delivered in person or mailed by registered or certified~~  
13           ~~mail to the teacher at the teacher's last known address.~~
- 14       (1) **The school corporation refuses continuation of the**  
15       **contract in accordance with subsections (b) and (c).**  
16       (2) The teacher delivers or mails by registered or certified mail to  
17       the school corporation the teacher's written resignation.

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(3) The contract is replaced by another contract agreed to by the parties.

(b) Before a teacher is refused continuation of the contract under subsection (a), the teacher has the following rights, which shall be strictly construed:

~~(1) Upon the request of the teacher, and within fifteen (15) days of the receipt of the notice of contract nonrenewal, the governing body or the superintendent of the school corporation shall provide the teacher with a written statement which may be developed in an executive session and which is not a public document, giving the reasons for the noncontinuation of the teacher's contract.~~

~~(2) (1)~~ The principal of the school at which the teacher teaches shall provide the teacher with an annual written evaluation of the teacher's performance before January 1 of each year. Upon the request of a nonpermanent teacher, delivered in writing to the principal within thirty (30) days after the teacher receives the evaluation required by this section, the principal shall provide the teacher with an additional written evaluation.

**(2) On or before May 1, the school corporation shall notify the teacher that the governing body will consider nonrenewal of the contract for the next school term. This notification must be:**

**(A) written; and**

**(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.**

**(3)** Upon the request of the teacher, and within fifteen (15) days of the receipt of the notice of **the consideration of** contract nonrenewal, the governing body or the superintendent of the school corporation shall provide the teacher with a written statement which may be developed in an executive session and which is not a public document, giving the reasons for the noncontinuation of the teacher's contract.

(c) A conference shall be held with the governing body, or at the direction of the governing body, with the superintendent or the superintendent's designee, not more than ten (10) days following the day the governing body receives the request. If the first conference is not with the governing body, **the teacher may request** a second conference, **which** shall be held with the governing body **at a time mutually agreeable to both parties and** not more than twenty (20) days following the day the governing body receives the request for a second conference, or before the end of the school year, whichever is earlier.



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(d) The governing body may, in addition to a conference, require that the superintendent or the superintendent's designee and the teacher summarize in writing the position of each party with respect to the continuation of the contract.

(e) At any conference:

(1) the governing body, the superintendent, or the superintendent's designee shall provide full and complete information supporting the reasons given for noncontinuance; and

(2) the teacher shall provide any information demonstrating that noncontinuance of the contract is improper.

(f) The conference with the governing body shall be in executive session unless the teacher requests a public conference. The teacher may have a representative at any conference.

**(g) The governing body shall vote on the continuation of the teacher's contract not more than ten (10) days after the conference.**

**(h) The time periods set out in subsection (c) shall be extended for a reasonable period:**

(1) when a teacher or school official is ill or absent from the school corporation;

(2) when the teacher requests a public conference, but a public conference held within the time periods of subsection (c) violates IC 5-14-1.5-5; or

(3) for other reasonable cause.

~~(h) The governing body shall affirm or reverse its position on continuation of the teacher's contract not more than ten (10) days after the conference.~~

(i) The governing body of a school corporation may decide not to continue a teacher's contract under this section:

(1) for any reason considered relevant to the school corporation's interest; or

(2) because of a teacher's inability to perform the teacher's teaching duties.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1734, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 23, delete "(i)".

Page 3, line 23, strike "The governing body shall affirm or reverse its position on".

Page 3, strike lines 24 through 25.

Page 3, line 26, reset in roman "(i)".

Page 3, line 26, delete "(j)".

and when so amended that said bill do pass.

(Reference is to HB 1734 as introduced.)

PORTER, Chair

Committee Vote: yeas 12, nays 0.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1734, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 20, delete "noncontinuation" and insert "**nonrenewal**".

Page 2, line 27, after "notice of" insert "**the consideration of**".

and when so amended that said bill do pass.

(Reference is to HB 1734 as printed February 18, 2003.)

KENLEY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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EH 1734—LS 6980/DI 109+

